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SIPDIS

SENSITIVE  
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DEPARTMENT FOR G/TIP, G, INL, DRL, PRM, IWI, EUR/PGI,  
EUR/WE DEPARTMENT PLEASE PASS TO USAID

E.O. 12958: N/A

TAGS: [PHUM](#) [ELAB](#) [KCRM](#) [KFRD](#) [PREF](#) [SP](#) [KWMN](#) [SMIG](#) [ASEC](#)  
SUBJECT: SIXTH ANNUAL ANTI-TRAFFICKING IN PERSONS (TIP)  
REPORT FOR SPAIN

REF: STATE 3836

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¶1. (SBU) Following is Embassy Madrid,s input for the Sixth Annual Trafficking in Persons (TIP) Report. Embassy POC is Political Officer Tim Dougherty, tel. (34) 91 587-2294.

Staff hours spent in preparation of this report includes the following:

Political Counselor - FE-OC: 3 hours  
Deputy Political Counselor - FS-02: 5 hours  
Political Officer - FS-04: 50 hours  
Political Assistant - LES-9: 8 hours  
Consular Legal Assistant - LES-11: 3 hours

//OVERVIEW//

¶2. (SBU) Spain maintains an active set of political, legal and social programs to combat human trafficking. In 2005, Spain provided comprehensive statistics on trafficking; continued to coordinate actions to fight trafficking; improved cooperation with international law enforcement; continued to provide assistance to victims; continued preventive measures and increased focus on demand reduction programs. Please see paragraph 4 for a detailed description of Spain,s progress on the TIP benchmarks established in ¶2005. In March, Minister of the Interior Jose Antonio Alonso told Spain,s Senate that it is "essential that the government continue in its fight against trafficking. This is an issue that we will not ignore." In addition, in February 2006, Minister of Justice Juan Fernando Lopez said that while the current penal code and laws against

trafficking are "weapons in the battle against trafficking," he said Spain in 2006 will study and will likely modify the penal code to make it an even stronger deterrent in the fight against trafficking. The Spanish government, specifically the Ministry of the Interior and in consultation with various NGOs, is in the process of drafting a national plan to fight trafficking in persons. According to police contacts, the driving force behind this initiative is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and a formal request from Spain's Parliamentary Mixed Commission on the Rights of Women comprised of members of virtually all political parties in Spain. Drafting of the national plan is ongoing and expected to be completed during 2006.

13. (SBU) Spain is both a destination and transit country for trafficked persons, primarily women between the ages of 18 to 30 trafficked for prostitution and forced labor. Statistical data and information on Spanish Government efforts to combat trafficking come from the Ministry of Interior which includes the Spanish National Police as well as the Civil Guard. The SNP reports that within Spain, a total of 146 trafficking networks for sexual exploitation were dismantled, with 737 responsible individuals arrested in 2005. Background information on the extent of trafficking in Spain, government prevention efforts, and victim assistance comes primarily from Project Hope, the main NGO contracted by the government to provide assistance to victims. Other NGOs, including the Association for Attention, Prevention and Reinsertion of Women Prostitutes (APRAMP) and the Voluntary Association of Dominican Mothers (VOMAD) also provided information towards this report. All sources are generally reliable.

//PROGRESS REPORT ON SPAIN TIP BENCHMARKS//

14. (SBU) -- PROVIDE COMPREHENSIVE STATISTICS: Spain,s  
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Ministry of Interior provided the USG access to a restricted internal report (also available to NGOs that work on TIP issues) that provides detailed information on TIP enforcement trends, including on TIP-related arrests. Post is translating the key Ministry of Interior overview of TIP statistics for transmittal to G/TIP and EUR/WE. Information on specific TIP-related investigations, convictions and sentencing is available online through the Spanish affiliate of Westlaw ([www.westlaw.es](http://www.westlaw.es)). In the past two years the SNP has separated its illegal immigration and false document statistics from sexual and labor exploitation network statistics, achieving a goal of G/TIP to reorganize TIP statistics.

-- CONTINUE EFFORTS TO COORDINATE ACTIONS AGAINST TIP: Under the Spanish system, police officials include NGOs in TIP response. As noted above, relevant NGOs and government agencies have special access to TIP-related information collected by Spanish police. The Spanish National Police has established a special branch - the Immigration Networks and Falsified Documents Unit (UCRIF) that investigates TIP-related activities.

-- CONTINUE INTERNATIONAL LAW ENFORCEMENT EFFORTS: Spanish law enforcement agencies continue to cooperate with law enforcement agencies in countries of origin as well as Interpol and Europol. In 2005, this cooperation resulted in the break up of 131 human trafficking networks in countries of origin. See paragraph 31 of this report for additional details.

-- CONTINUE ASSISTANCE TO VICTIMS: The Spanish government, through government-funded NGOs, is continuing with programs to help the victims of trafficking. The various NGOs provide shelter, counseling and psychological assistance, legal assistance, job training, placement and reinsertion services, and assistance in obtaining visas that are available for those who testify against traffickers. Since 1999 through

December 2005, Project Hope provided direct legal, medical, psychological assistance to 338 women victims of trafficking, with 95 women seeking assistance in 2005. Project Hope also provides assistance to victims in indirect ways such as prevention programs, police training and lobbying the government for additional resources and in the formulation of a national plan to combat trafficking. See paragraph 49-59 of this report for additional details.

-- CONTINUE IMPLEMENTING PREVENTIVE MEASURES: Spain will begin issuing passports with an integrated electronic identity chip starting August 1, 2006, which has been identified as one important aid in TIP prevention. In addition, Spain will begin including the National Identity Document (DNI) number in all electronic passports beginning in March 2007. In addition, the government sponsors programs that educate women victims of trafficking and encourages them to report trafficking to law enforcement officials. Other preventative measures are detailed in this report in paragraphs 20-30.

-- INCREASE FOCUS ON DOMESTIC DEMAND REDUCTION PROGRAMS: Under the Spanish system, demand reduction is primarily the responsibility of municipal and regional officials. Police reported increased activity to dissuade customers of prostitutes. In Madrid, for example, police instituted vehicle checkpoints and other measures in areas frequented by prostitutes to discourage solicitation. This activity was also intended to help police identify prostitutes that were possible TIP victims. In Barcelona, the Catalan Interior

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Minister continues to make anti-trafficking a priority and often accompanies police officers on visits to areas of prostitution to assess conditions and discourage solicitation.

//STATISTICS AND DATA//

15. (SBU) The Spanish National Police (SNP) reports that 3,064 victims of trafficking in persons were liberated in 2005. This total includes 1,337 victims of sexual exploitation and 681 victims of forced labor who were liberated. Government data is considered accurate. Project Hope reports that 92 percent of the victims they assist are women between 18 and 30 years of age. A SNP victim's profile, updated for 2005, indicates that young, poorly educated women with limited economic resources are the most likely group to be trafficked to Spain. There are no areas of Spain that are outside of government control.

16. (SBU) Trafficking victims arrive in Spain from three major regions: Eastern Europe and the former Soviet Union (Romania, Russia, Bulgaria, Ukraine, Czech Republic, Belarus, Slovenia and Poland), South and Central America (Brazil, Colombia, Ecuador, Peru, Venezuela), and Africa (Nigeria, Guinea, Sierra Leone, Morocco, Algeria, Mali, Mauritania). More than three-quarters of all trafficked women come from five countries: Romania, Russia, Brazil, Colombia, and Nigeria. In 2005, Paraguay also became a country of origin for human trafficking to Spain due to a continuing socioeconomic crisis. Women stand out as one of the most vulnerable groups affected by poverty and unemployment. The SNP reported that 57 Paraguayan women were liberated from forced prostitution and six Paraguayans were liberated from forced labor in 2005.

17. (SBU) Clandestine clothing production and restaurant work are typical types of employment of illegal Asian immigrants, frequently Chinese, who come to Spain with false documents via trafficking networks. Spain is used as a transit point for women trafficked from Brazil to Portugal. African trafficking networks often use Spain as a transit point for other EU nations, particularly France and Germany. The most frequent destinations for victims trafficked to Spain include: the Community of Madrid, Catalonia, the Community of Valencia, and Andalusia.

18. (SBU) The country of origin determines the most likely route traffickers use to reach Spain. Victims from countries within Europe are often brought into Spain via the northern border, while victims from Africa are brought through Spain's southern coast or through the Canary Islands. Once victims are smuggled into Spain through the Canary Islands, the trafficking networks have already bypassed immigration controls into the Spanish peninsula and are free to travel to Madrid or other locations within Spain or the EU. Victims from Central or South America are brought directly into Spain, or through other countries that are signatories to the Schengen Treaty.

19. (SBU) Trafficking arrests and the number of victims of sexual exploitation remain comparable to previous years. In 2005, 146 networks for sexual exploitation were dismantled which resulted in the arrests of 737 people. The Spanish National Police continue to see a stronger presence of Romanian criminal networks involved in both prostitution and illegal immigration. In-depth coverage from a February 2006 report in daily newspaper "El Periodico" reported that despite SNP efforts to break up human trafficking networks from Romania, the influence of the Romanian mafia is

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expanding.

10. (SBU) The SNP has a special unit, the Immigration Networks and Falsified Documents Unit (UCRIF) that covers trafficking in persons related issues. The UCRIF Intelligence Unit analyzes statistical data and trends, while coordinating efforts and sharing data with the Civil Guard and Interpol. Regional SNP offices conduct quarterly reviews to set goals in combating trafficking and to assess success in meeting previous quarter goals.

11. (SBU) Victims are trafficked into Spain for both sexual and labor exploitation. The sexual exploitation most frequently involves prostitution and work in nude dancing clubs. The labor exploitation involves primarily agricultural, low-skill construction, and domestic employment. Press reports indicate that criminal networks often lure their victims by using travel agencies and newspaper advertisements in their home countries that promise guaranteed employment in Spain. Typically in the case of Romanian organized networks, women are forced into prostitution where 90 percent of their earnings were marked for the criminal network; men are often employed in low-paying construction jobs. The Russian trafficking networks in Catalonia lure women from northeastern Russia to Catalonia with the promise of a loan and a job; upon arrival in Spain, traffickers hold their passports and force the women into prostitution to pay back their debts. Methods used by traffickers to maintain control over their victims include physical abuse, the withholding of travel documents, threats of violence towards a victim's family, and the forced use of drugs. Frequently, trafficking victims are forced into debt to pay the costs of their journey to Spain.

12. (SBU) Spain is generally not a country of origin for trafficking.

13. (SBU) There is political will at the highest levels to combat trafficking and the government makes a good faith effort to seriously address trafficking issues. The current government, elected in March 2004, has made improved treatment of women a high priority with the passage of the October 2004 Integral Law Against Gender Violence, a domestic violence law that provides for heavier sentences when violence is directed against women or "especially vulnerable" victims. When King Juan Carlos addressed the Diplomatic Corps in January 2005, he emphasized the need to fight against trafficking in persons networks.

14. (SBU) In 2005, the Madrid city government stepped up its

enforcement of its anti-prostitution and anti-trafficking campaign by increasing police presence in targeted zones. An extensive publicity campaign to discourage prostitution continues with posters and advertisements in newspapers, on the radio, and on city buses. The Ministry of Interior coordinates anti-trafficking efforts and receives support in its efforts from the Office of the President, the Ministry of Labor and Social Services, the Ministry of Justice, and the Ministry of Education. There were no reports of government officials involved in trafficking. The government controls borders and investigates trafficking activities with resources deployed from the Civil Guard and police authorities. The Ministry of Justice and the Ministry of Labor and Social Services are responsible for committing resources to prosecuting violators, inspecting workplaces, and assisting victims. The government also funds several NGOs that provide services to victims.

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¶15. (SBU) There were no reports of government officials facilitating or condoning trafficking, taking bribes, or in any way assisting in trafficking operations.

¶16. (SBU) The absence of controlled frontiers within a newly expanded European Union allows many traffickers to move easily from country to country without being scrutinized by immigration officials. An impediment to combating trafficking is the reluctance of victims to provide information regarding trafficking. The fact that most, if not all, victims are illegal aliens, and threats by traffickers all contribute to this reluctance. This reluctance to press charges occurs despite Spanish provisions for witness protection and the availability of Article 59 visas for those who testify against trafficking rings. There are no limitations on government funding for police and other governmental institutions. Spain does not have a problem with government corruption. Government funding for NGOs providing victims assistance continues to be increased.

¶17. (SBU) The National Police's UCRIF Intelligence Unit maintains ongoing monitoring of trafficking trends and statistics. Regional SNP units review anti-trafficking efforts on a quarterly basis. The SNP and Civil Guard participate in ongoing coordination and data-sharing with Interpol and Europol, and the Ministry of Interior coordinates and evaluates anti-trafficking efforts within the Spanish government.

¶18. (SBU) Prostitution is decriminalized in Spain, although forcing others into involuntary prostitution and organizing prostitution rings is illegal. As of September 30, 2003, with the Organic Law for Measures Related to Citizen Security, Domestic Violence and the Social Integration of Foreigners, it is illegal for anyone to profit from prostitution other than the actual prostitute. The law makes it illegal for pimps or brothels to receive money from the prostitute's activities, even if the prostitute consents to it. The majority of prostitutes are foreign and the government does not issue work permits to prostitutes. Foreign nationals who practice prostitution without residency permission or permission to work can be prosecuted administratively under the Alien Law of 2000. Spanish law prohibits the involvement of minors in prostitution (under the age of 18). Prison sentences for using force, violence, and threats of fraud for sexual exploitation in trafficking related offenses are specified as 5 to 10 years, with sentences increasing to 12 to 15 years with aggravating circumstances.

¶19. (SBU) Spain is currently reviewing laws regarding prostitution. The debate over prostitution erupted in 2005 because of a proposed Catalan bill that seeks to legalize and regulate prostitution. In February 2006, Ministry of Labor officials said the central government is likely to leave the matter in the hands of regional governments, although



anti-trafficking enforcement remains in the hands of the central government. Spain,s central government has increased efforts in protecting illegal immigrant women and dismantling the criminal syndicates that exploit them.

//PREVENTION//

¶20. (SBU) The government acknowledges that trafficking is a problem and takes measures to address the problem.

¶21. (SBU) Spain commits resources of the Ministry of Interior (the Spanish National Police and Civil Guard), Ministry of

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Labor and Social Services, Ministry of Justice, Ministry of Education, Ministry of Culture and Sports, Ministry of Public Administration, and the Ministry of Health and Consumer Affairs. The Spanish government also funds several NGOs that work with trafficking victims by providing victims assistance that includes shelter, legal aid, counseling and psychological assistance, placement and reinsertion services.

NGOs receiving governmental assistance include: Project Hope, the Association for Attention, Prevention and Reinsertion of Women Prostitutes (APRAMP), the Voluntary Association of Dominican Mothers (VOMAD), Association for Cooperation in the South-the Segovias (ACSUR), Association of Raped Women, General Association in Defense of the Rights of Prostitutes (HETAIRA), Villa Teresita Safe House, CARITAS, the Red Cross, and Hermanos Oblatas.

¶22. (SBU) Spain sponsors programs that educate women victims of violence and encourages women to report instances to the police.

¶23. (SBU) The government supports programs to increase employment opportunities for women. Government funded NGOs provide job placement and work training services for women liberated from trafficking rings.

¶24. (SBU) Governmental agencies and victim assistance NGOs report that funding resources are sufficient to operate their programs. Spanish administration at the national, regional, and local level provides financing and social services for the victims of trafficking.

¶25. (SBU) NGO representatives report that they have good relations with the Spanish government. The Association for Attention, Prevention and Reinsertion of Women Prostitutes (APRAMP) reports good cooperation with state and local police on turning over prostitutes for psychological counseling, safe housing, and rehabilitation. Project Hope also reports that the relationship with the SNP and the Civil Guard is good. When the police find a victim of TIP, they immediately refer the individual to NGOs that provide victims, assistance.

¶26. (SBU) The government adequately monitors its borders by committing resources to the Civil Guard to patrol its sea borders. Despite hazardous sea conditions, illegal immigration across the open ocean and the Straits of Gibraltar continues to increase into Spain due to its geographical location as a European entry point for migrants from Africa and South America. The SNP and Civil Guard both monitor immigration patterns for evidence of trafficking.

¶27. (SBU) The Ministry of Interior coordinates anti-trafficking efforts and maintains workgroups for the coordination of SNP and Civil Guard activities. Both the SNP and the Civil Guard also are involved in coordinating and sharing data with Interpol and Europol. There is a joint task force within the Ministry of Interior that coordinates SNP and Civil Guard operations, including immigration and trafficking issues. Members of the committee include: the Secretary of State for Security, the Director of Police, the

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Director of the Civil Guard, the Director of Infrastructure in the Ministry of Interior, and the Interior Minister's Chief of Cabinet. Public corruption is generally not a problem in Spain. Anti-corruption investigations would normally be handled through normal law enforcement and judicial agencies.

¶28. (SBU) The government coordinates its law enforcement

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anti-trafficking activities with Interpol, Europol, and EU illegal-immigration working groups. Spain has provided French-language training to high-level SNP officials to assist in cooperation with Francophone Africa countries. Spain participates in EU and Schengen Group cooperative efforts to combat trafficking. Spain has been active in the EU Experts Group on Trafficking in Human Beings.

¶29. (SBU) The government addresses trafficking issues in two national action plans. The government has a National Immigration Plan that addresses combating illegal immigration into Spain, which is a major component in preventing trafficking. The government also published a Parliamentary plan on Women's Rights in September 2003 that includes analysis and recommendations for improving the situation of women victims. Components of these plans have been incorporated into the September 2003 Organic Law for Measures Related to Citizen Security, Domestic Violence and the Social Integration of Foreigners, the October 2004 Integral Law Against Gender Violence, and the February 2005 modification to the Aliens Law. The Ministry of Interior coordinates anti-trafficking efforts, while the Ministry of Labor and Social Services, the Ministry of Justice, Interpol, Europol help provide for victim's assistance.

¶30. (SBU) The Ministry of Interior takes the lead in directing anti-trafficking efforts.

//INVESTIGATION AND PROSECUTION OF TRAFFICKERS//

¶31. (SBU) Spain cooperates with other governments in the investigation and prosecution of trafficking cases, as well as with the EU, Interpol, and Europol. The SNP reported in 2005 this cooperation led to the break up of 131 human trafficking rings in the following countries of origin: Cape Verde, France, Guinea, Italy, Morocco, Mauritania, Romania, Thailand, Turkey and Venezuela. These operations resulted in arrests of 280 traffickers.

¶32. (SBU) The SNP reports that within Spain, a total of 146 trafficking networks for sexual exploitation were dismantled, with 737 responsible individuals arrested in 2005. The SNP reports a total of 59 trafficking networks for labor exploitation dismantled, with 173 responsible individuals arrested. The SNP also tracks statistics related to the dismantling of organizations that enable trafficking syndicates to operate. The SNP reported dismantling 67 illegal immigration networks, 43 false document networks, and 18 fraud networks with a total of 559 people arrested. In the past two years the SNP has separated its illegal immigration and false document statistics from sexual and labor exploitation network statistics, achieving a goal of G/TIP to reorganize TIP statistics.

¶33. (SBU) Data on prosecutions is readily available through both frequent personal contact between SNP and Embassy personnel and through an online service of Westlaw database. There are several penal codes related to trafficking in persons, including: Article 312, crimes against the rights of foreigners; Article 313, crimes involving forced labor; and Article 318 bis, crimes involving trafficking in persons.

¶34. (SBU) There were a total of 129 cases adjudicated in the Spanish courts in 2005 for crimes related to trafficking in persons. Spanish courts at all levels use a combination of available penal codes in prosecuting crimes related to

trafficking in persons to ensure a conviction because of a frequent lack of testimony from victims.

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135. (SBU) Judges sometimes invoke TIP legislation in their decisions. Lawyers for a group of three Romanians charged and convicted of "crimes against the rights of foreigners" appealed to the Supreme Court. The court upheld the conviction and increased it to find the three guilty of the more severe charge of trafficking in persons. One defendant's 4-year sentence was increased to a 7-year sentence, while the others were given a 6-year sentence. All three were also fined 7,300 euros each.

136. (SBU) A human trafficking ring between Nigeria and Spain was broken up on January 24, 2005, resulting in the arrest of a woman believed to be a recruiting agent for the ring. Investigators said that at least 20 young Nigerian women were liberated as a result of the investigation and arrest.

137. (SBU) A total of 42 people were arrested in Las Palmas, Canary Islands, in January 2006, for running a network trafficking women from Brazil for prostitution. In addition, the network used the women to transport drugs and illegal weapons.

138. (SBU) Spain has specific laws to prohibit trafficking in persons and other activities related to sexual and labor exploitation. These laws are applied in practice and are adequate to cover the full scope of trafficking in persons. The law prohibits trafficking in persons from, through, or to Spain. The law also bans trafficking in workers; sexual exploitation involving violence, intimidation or fraud; the sexual exploitation of minors, including their use for prostitution or pornography; forging or certifying false government documents for the purpose of TIP; and illicit association with trafficking in persons networks. The September 2003 Organic Law for Specific Measures Related to Citizen Security, Domestic Violence and the Social Integration of Foreigners increased penalties for trafficking in persons and other activities related to trafficking. The penalty for trafficking in persons was increased to 5 to 10 years from the previous 2 to 4 years. If the trafficking is done through the use of violence or intimidation, the maximum sentence applies. Penalties were increased from 2 to 4 years to 6 to 12 years for activities related to trafficking, such as trafficking for sexual exploitation, the use of threats, violence, or fraud, the involvement of minors, or placing the victim's life in danger.

139. (SBU) The penalty for trafficking in persons for sexual exploitation is 5 to 10 years in prison, increasing to 6 to 12 years if aggravating circumstances are present. The penalty for trafficking in persons for labor exploitation is 2 to 5 years and a fine. Stricter penalties apply if the life or health of the victim is endangered, if the victim is a minor or if the offender is a member of a criminal organization.

140. (SBU) The penalty for rape is 6 to 12 years in prison, increasing to a possible 15 years with aggravating circumstances. The penalty for sexual assault is 1 to 4 years in prison, increasing to 4 to 10 years with aggravating circumstances.

141. (SBU) Sentencing guidelines in convictions for encouraging, favoring, or facilitating the trafficking of persons from, in transit or destined for Spain for the purpose of sexual exploitation are subject to imprisonment for 5 to 10 years, with an increase to 12 to 15 years if trafficking is carried out with violence, intimidation,

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deceit or abuse of the victim,s state of need. Under the post-September 2003 sentencing guidelines of 5 to 10 years, the average sentence was 5.7 years. Spanish judges often combine a trafficking sentence with a sentence for crimes involving theft, illegal detention, forgery of documents, or extortion. When a defendant is convicted of an additional crime two separate sentences must be served. Once sentenced, prisoners generally serve 75 percent of their sentence before being eligible for parole. However, a Supreme Court judge ruled in February 2006 that each request for a reduction in sentence for good behavior must be applied to each sentence individually, meaning it is likely that criminals prosecuted on multiple counts related to trafficking will likely serve the entire sentence and will rarely see parole.

¶42. (SBU) Trafficking into Spain is generally controlled by organized criminal gangs or mafias. The largest such groups are the Romanian criminal organizations that traffic prostitutes and construction laborers, often luring victims with false offers of employment. The trafficking networks from Eastern Europe tend to be larger and better organized than the traffickers from Latin America and Africa. There are no reports of Spanish government officials being involved in trafficking. Profits from the trafficking both stay with the traffickers in Spain and are channeled back to criminal associates in the country of origin. Syndicates that traffic humans are often involved in drug trafficking as well, and trafficking victims often serve as couriers in the drug trade.

¶43. (SBU) The government actively investigates cases of trafficking. Law enforcement agencies use a wide variety of legally permitted investigative techniques, including phone taps, undercover operations, and surveillance activities.

¶44. (SBU) The government provides specialized anti-trafficking training to law enforcement agencies. Training is provided to new recruits at the National Police Academy in Avila. Additional specialized training is also mandatory for candidates to be promoted to the inspector level. Project Hope representatives regularly present information regarding trafficking in persons and victims assistance to police recruits at the national police academy in Avila. NGOs report that, according to victims they assist, police have become more sensitive to victims, needs as a result of increased experience and training, and victims no longer fear they will be deported if they are arrested.

¶45. (SBU) The government can extradite persons charged with trafficking, including its own nationals. Spanish officials identified 25 extraditions for trafficking-related offenses in 2004 from Brazil, Italy, Ukraine, Russia, Romania, Germany, Lithuania, and Belarus. Post does not have any data on extraditions in 2005, but is continuing to investigate.

¶46. (SBU) There are no reports of government involvement in trafficking or tolerance of trafficking at any level of the government.

¶47. (SBU) There are no reports of government officials involved with trafficking in persons this period. The government is neither a source nor destination for the child sex tourism industry.

¶48. (SBU) The government has ratified all of the mentioned instruments. Dates of ratification are:  
ILO Convention 182 -- April 2, 2001;  
ILO Convention 29 -- August 29, 1932;  
ILO Convention 105 -- November 6, 1967;

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Optional Protocol to the Convention on the Rights of the Child -- December 18, 2001;  
Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children -- March 1, 2002;

//PROTECTION AND ASSISTANCE TO VICTIMS//

149. (SBU) The government provides assistance to trafficking victims. Medical attention, including emergency care, is provided through the national health care system. The government funds various NGOs to provide shelter, counseling and psychological assistance, legal assistance, job training, placement and reinsertion services, and assistance in obtaining visas that are available for those who testify against traffickers. Many victims are afraid to testify or collaborate because of threatened harm to themselves or their families. Since 2000, the law has provided for victims of trafficking networks who cooperate with the police the right to return voluntarily to their home country with the financing of the government or the possibility of remaining permanently in Spain with residency permission. Under the February 2005 modification to the Aliens Law, victims can now more easily obtain residency permits.

150. (SBU) The government provides funding to NGOs to provide most victims assistance services. NGOs submit annual grant proposals to the government to furnish services to victims.

151. (SBU) There is no particular written plan or protocol that deals with referring trafficking victims to NGOs, but in practice, trafficking victims are referred directly by the SNP and the Civil Guard to Project Hope, the Association for Attention, Prevention and Reinsertion of Women Prostitutes (APRAMP), or other NGOs in areas not serviced by these two NGOs.

152. (SBU) Project Hope legal advisor and post,s recommendation last year for the "Tip Hero" award Marta Gonzalez took part in the Embassy,s International Visitor Program in late April/early May 2005 and participated in a Combating Trafficking in Persons workshop in the Department. Ms. Gonzalez said the most valuable aspect of the workshop was the opportunity to network with NGOs from countries of origin which helps to facilitate the safe return of victims to their home countries.

153. (SBU) Trafficking victims who agree to cooperate with the prosecution of traffickers are processed separately from the criminal population. Those who agree to testify in criminal cases are eligible for visas to remain in Spain. The victims that choose not to cooperate with authorities are repatriated, which must legally occur within 40 days. Victims who testify do not face prosecution for prostitution and can have their immigrant status normalized by means of the previously described visas.

154. (SBU) The government actively encourages victims to assist in the investigation and prosecution of traffickers. The government informs victims in writing of their right to seek legal action and seek restitution from traffickers. If the victim does not have sufficient economic means, they have the right to a state appointed lawyer. Victims who cooperate with police in Barcelona receive assistance from Barcelona City Hall and the Catalan Regional Parliament in the form of health services, employment programs, and immigration counseling. Government-funded NGOs also provide legal assistance to victims. Victims testifying against an employer may seek visas that allow for employment in Spain.

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There is a restitution program for victims.

155. (SBU) Spain has a Law for the Protection of Witnesses that allows a judge to provide for witness protection in the form of allowing a witness to remain anonymous, detailing police escorts, providing economic assistance, and changing a victim's identity. Witnesses are allowed to testify with their voice distorted and their identity hidden. The government provides these protections in practice to victims that the judge deems at risk. Witnesses are often referred to local NGOs for assistance in obtaining work after testifying.

¶56. (SBU) The government provides specialized training to new law enforcement officers in both the recognition of trafficking and victim assistance. The SNP training program in Avila includes collaboration with NGOs in the education program. Spain provides financial and repatriation assistance to its citizens at its embassies and consulates; however, the Ministry of Foreign Affairs reports that they have never received a report of a Spaniard being a victim of a trafficking ring.

¶57. (SBU) The government provides for medical assistance, economic assistance, and repatriation of its citizens through Spanish embassies and consulates, although The Ministry of Foreign Affairs is not aware of any Spanish nationals who are victims of trafficking.

¶58. (SBU) A network of NGOs united in assisting victims of trafficking was formed and this network is assisting the government in the creation of a national plan against trafficking.

¶59. (SBU) Project Hope provides assistance with medical and legal services and acts as a liaison with law enforcement agencies for victims who are willing to cooperate in investigations. Project Hope also has a housing and reinsertion program for victims of trafficking and smuggling who wish to remain in Spain. The group will help women apply for residence visas.

//TIP HERO//

¶60. (SBU) Post nominates Gentiana Susaj for the TIP Hero award. Ms. Susaj is an Albanian lawyer who worked on protection issues relating to trafficking victims with both the OSCE and the UNHCR in Albania from 1999 to 2003. In 2004, she relocated to Spain with her husband, a UNHCR employee and lawyer. Ms. Susaj worked in the UNHCR Madrid office for a year before beginning to work independently on trafficking issues. While at the UNHCR in Madrid and thereafter, she was responsible for organizing several major meetings of NGO and Spanish government personnel working on trafficking issues in Spain. As a result of those meetings and her commitment and expertise, NGO ACCEM (Asociacin Comisin Catlica Espaola Migracin) hired her as a consultant to continue to work on trafficking, principally to formally develop the NGO network and to advocate that the government draft and implement its national plan on trafficking. In conjunction with the NGOs, she has drafted a formal mission statement and objectives for the NGO network. She has also been the driving force behind the drafting and submission of recommendations to the government for areas to address in its national plan. Although NGO representatives have been active in both developing the victim assistance network and encouraging the government to act, without Ms. Susaj this work would not have moved forward as it has. Post

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considers her a perfect candidate for the Hero Award.  
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